

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAMEDA MADIA WILLIAMS, individually
and on behalf of others similar situated

Plaintiff,

v.

PATRIOT HOME CARE, LLC, formerly known
as and PATRIOT HOME CARE, INC.,

Defendant.

Case No.: 2:22-CV-00404-CCW

**DEFENDANT PATRIOT HOME CARE, LLC'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) and this Court's Policies and Procedures, Defendant Patriot Home Care, LLC ("Patriot") moves this Court to dismiss Plaintiff's Amended Complaint with prejudice because the Court lacks subject matter jurisdiction over the action or, alternatively, because Plaintiff fails to state a claim upon which relief can be granted and leave to amend would be futile.

Respectfully submitted,

/s/ Jennifer Platzkere Snyder

Jennifer Platzkere Snyder (PA ID 76775)

DILWORTH PAXSON LLP

1500 Market Street, Suite 3500E

Philadelphia, PA 19102

T: 215-575-7000

jsnyder@dilworthlaw.com

Attorney for Defendant Patriot Home Care, LLC

Dated: July 1, 2022

CERTIFICATE OF MEET AND CONFER REGARDING MOTION TO DISMISS

Pursuant to this Court's Order of March 10, 2022 (ECF No. 6), I hereby certify that counsel for Patriot and counsel for Plaintiff met and conferred by phone on June 9, 2022, prior to Patriot filing its Motion to Dismiss and discussed Plaintiff's alleged pleading deficiencies. The parties were unable to reach a resolution that eliminated the need for Patriot's initial Rule 12(b) Motion, which was filed on June 13, 2022. Thereafter, following the Court's Order requiring the parties to meet and confer and submit a Joint Status Report with a proposed plan to address the proper party issue, the parties did just that and, on June 17, 2022, agreed to a process whereby Plaintiff would file an Amended Complaint and Patriot would file an updated Motion to Dismiss in response thereto, within five (5) business days. This process was memorialized as a proposal in the Joint Status Report the parties submitted to the Court on June 24, 2022 and reflected in the Court's Order issued on June 27, 2022.

Dated: July 1, 2022

/s/ Jennifer Platzkere Snyder
Jennifer Platzkere Snyder

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2022, I caused Defendant Patriot Home Care, LLC's foregoing Motion to Dismiss and Brief in Support to be served on all counsel of record via U.S. Mail, postage prepaid, electronic mail and/or the Court's CM/ECF electronic filing system:

Edward J. Feinstein
Ruairi McDonnell
Law & Finance Building, Suite 1300
429 Forth Avenue
Pittsburgh, PA 15219
efeinstein@fdpklaw.com
rmcdonnell@fdpklaw.com

/s/ Jennifer Platzkere Snyder
Jennifer Platzkere Snyder